



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Elliott FARBER Confirmation No.: Not yet assigned
Filed: November 21, 2007
(Prior Application No. 10/811,875 filed on March 30, 2004)
Titled: ALLANTOIN-CONTAINING SKIN CREAM
TC/A.U.: Not Yet Assigned
Examiner: Not Yet Assigned
Docket No.: 69273-0009 CON
Customer No.: 24633

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL FOR A NEW CONTINUATION
PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)(2)

This is a request for filing a **Continuation** patent application under **37 C.F.R. §1.53(b)(2)** of:

Inventor(s): Elliott FARBER

For: ALLANTOIN-CONTAINING SKIN CREAM



In response to the non-final Office Action dated May 23, 2007, Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. §1.17(a), for the total number of months checked below:

<u>Total Months</u> <u>Requested</u>	<u>Fee for</u> <u>Extension</u>
<input type="checkbox"/> first month	\$ 120.00 / \$ 60.00
<input type="checkbox"/> second month	\$ 460.00 / \$ 230.00
<input checked="" type="checkbox"/> third month	\$1,050.00 / \$ 525.00
<input type="checkbox"/> fourth month	\$1,640.00 / \$ 820.00
<input type="checkbox"/> fifth month	\$2,230.00 / \$1,115.00

11/23/2007 CHGUYEN2 00000087 501349 10811875
01 FC:2253 525.00 DA

1. ☒ This is a new UTILITY patent application, which is a continuation of U.S. Patent Application Serial No. 10/811,875 (filed March 30, 2004), which is a division of Patent Application No. 09/758,781 (filed January 11, 2001), which is a continuation-in-part of Patent Application Serial No. 09/570,266 (filed May 12, 2000) which is now U.S. Patent No. 6,329,413, which is a continuation-in-part of U.S. Patent Application Serial No. 09/360,095 (filed July 23, 1999) which is now U.S. Patent No. 6,281,236, each of which applications and patents is expressly incorporated herein by reference in their entirety
2. **The papers enclosed to obtain a filing date are as follows:**
77 Pages of Application including:
62 Pages of Disclosure;
14 Pages of Claims (1 Independent – 7 Total Claims based upon Preliminary Amendment); and
1 Page of Abstract .
3. **Combined Declaration and Power of Attorney**
☐ Enclosed and is newly executed by all inventors.
☒ Enclosed in this continuation/divisional application and is a copy from a prior application (37 CFR § 1.63(d).
☐ **Not Enclosed.**
This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicant awaits notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
4. **Language - English**
5. **Assignment** - An assignment was filed in the parent application. Please recognize the following entity as the assignee for publication purposes: Alwyn Company, Inc., 2301 Highway 60 East, Lake Crystal, Minnesota 56055
6. **Priority** - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign application(s) is claimed:

Country	Application No.	Filed

Certified copy: ☐ is attached. ☐ will follow.

7. **Priority based on provisional application under 35 U.S.C. §119(e)**

☐ Benefit of the following U.S. provisional application(s) is claimed:

Provisional Application No.	Filed

8. **Priority based on the provisions of 35 U.S.C. §120**

☒ Benefit of the following U.S. application is claimed:

Non-Provisional Application No.	Filed
10/811,875	March 30, 2004
09/758,781	January 11, 2001
09/570,266	May 12, 2000
09/360,095	July 23, 1999

9. **Preliminary Amendment**

☐ Amend the specification by inserting before the first line the sentence:
"This application is a ☐ continuation, ☐ division of co-pending application
number, filed , which is hereby incorporated by reference"

10. **Small entity status**

☒ Small entity status under 37 C.F.R. §1.27 is claimed for this application.

11. **Fee Calculation (37 C.F.R. § 1.16):**

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$310.00
Total Claims (37 C.F.R. § 1.16(c))	7 - 20 =	0	\$ 50/25 each=	+ .00
Independent Claims (37 C.F.R. § 1.16(b))	1 - 3 =	0	\$ 210/105 each=	+ .00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$ 370/185	+ .00
Utility Search Fee				\$ 510.00
Utility Examination Fee				\$ 210.00
Three Month Extension of Time				1,050.00
SUB-TOTAL				\$ 2,080.00
Reduce by ½ for Small Entity				- 1,040.00
TOTAL FILING FEE =				\$ 1,040.00
(FEES ARE BASED UPON CONCURRENTLY FILED PRELIMINARY AMENDMENT)				

12. **Fee Payment:**

- ☐ A check in the amount of **\$0.00** is enclosed.
- ☒ The Commissioner is hereby authorized to charge Deposit Account No. **50-1349** in the amount of **\$1,040.00** to cover the Continuation application filing fee.
- ☐ **Fee Payment Not Enclosed.**
NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.
This application is being filed under the provisions of 37 C.F.R. § 1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
- ☒ **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

13. Additional papers enclosed:

- ☐ Nonpublication Request pursuant to 37 CFR § 1.213
- ☐ Combined Power of Attorney by Assignee and Certificate under 37 CFR § 3.73(b)
- ☐ Change of Correspondence Address
- ☒ Preliminary Amendment
- ☒ Information Disclosure Statement
- ☒ Form PTO-1449
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Please accord this application an application number and filing date.

Respectfully submitted,

HOGAN & HARTSON LLP

Dated: November 21, 2007

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